

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA

v.

CRYSTAL DENISE PHILLIPS

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CR.NO. 2:05CR268-A

DEFENDANT'S REQUESTED VOIR DIRE

Comes Now, Crystal Phillips, by undersigned counsel, who requests that the following questions be included in the voir dire directed to prospective jurors during jury selection in this cause:

1. The law mandates that Ms. Phillips is presumed innocent and remains innocent unless the government proves his guilt beyond a reasonable doubt. Does anyone think the law should not be that way? Why do you think that?

2. Have any of you ever or any member of your family or any of your friends ever had any contact with any employee a county sheriff's department, a city or town police department or any federal drug enforcement agency? Please tell us about that contact. If you would prefer, you may discuss the matter in private at the bench.

3. Have you or anyone close to you been a victim of a crime whether or not it was reported to the police?

(a) What were the circumstances?

(c) What contact did you have with the police in connection with this incident?

(d) Was anyone arrested? charged with a crime?

(e) Were you satisfied with the police work in connection with this incident? Why/Why not?

(f) Were you satisfied with the work of the courts in connection with this incident?

Why/why not?

(g) How did this incident affect your feelings about crime in general?

(h) When you were called for jury duty, did your experience as a crime victim come to mind? Please tell us what your thoughts were.

(i) How do you think this experience might affect your service as a juror in this case?

4. It is a guiding principle of the American system of justice that any person accused of a crime is considered innocent until proven guilty beyond a reasonable doubt to the satisfaction of a jury of their peers. With this principle in mind, do each of you understand that an indictment is simply the Government's accusation against Ms. Phillips and that the indictment is not evidence that he is guilty? If you do not understand the concept or if you have a any problem with that concept, please raise your hand?

5. Do you further understand that you cannot draw any inference that Ms. Phillips is guilty of anything merely because the Government has accused her? Ms. Phillips sits before you presumed innocent of any offense until the Government meets its burden to prove to you the guilt of Ms. Phillips beyond a reasonable doubt.

6. If the Government fails to prove that Ms. Phillips is guilty beyond a reasonable doubt, you must find him "not guilty". Will you be able to say so and render a verdict of not guilty? Will you be able to vote your own mind, even if you are the only juror who has reached that decision?

7. Identify for the jurors the various counsel participating in the case and inquire; are you related by blood or marriage, or do you know:

A. (Have attorney identify other attorneys in his office) The defense attorney appearing in the case or any other attorney in his office.

B. (Have all attorneys identified) The United States Attorney and the Assistant United States Attorneys.

9. To the best of your knowledge, have you or has any member of your immediate family ever been counseled or represented by the United States Attorney or any Assistant U.S. Attorney or by the defense attorney or members of the defense attorney's firm?

10. Do any of you recognize a member of this jury panel as a relative, a friend or associate of yours? If yes, please state the relationship.

11. Have you participated in a criminal case either as:

- A. A complainant or the Defendant;
- B. Witness for the prosecution or defense; or
- C. In any other capacity?

12. Are you now or have you ever served as a law enforcement officer?

13. Have you ever taken any courses of study in law enforcement or criminal justice?

14. Is any member of your immediate family or any close personal friend or acquaintance a law enforcement officer?

15. You will hear testimony from law enforcement officers. Would you tend to believe the testimony of such a government agent or employee just because he is a law enforcement officer?

16. Do you, a member of your immediate family or a close personal friend belong to a gun club or firearm organization such as the National Rifle Association?

17. Have you, any family members or close friends ever been falsely accused of a crime?

18. Some people believe that the government of the United States would not arrest an innocent person in a marijuana case while other people believe that government agents can absolutely make mistakes. What is your opinion?

19. Do you believe that the government ever takes shortcuts when investigating a case?
20. Do you agree or disagree with the law that states that the Government has to prove its case *beyond a reasonable doubt*?
21. Has anyone ever given you (or have you ever given another person) the benefit of a reasonable doubt?
22. Have you ever known or heard of anyone who testified or volunteered information in a criminal case in order to receive a lighter or reduced sentence?
23. Can anyone think of a reason why would a person accused of a crime point the finger at someone else?
24. Have you ever worked or volunteered time or money to any group or organization that assists or supports victims of crimes?
25. Do you have any negative feeling about criminal defense attorneys that might affect your ability to be a totally fair and impartial juror in a criminal case?
26. Do you know anyone who works for the or any federal or state law enforcement agency? If yes, whom do you know and how do you know this person?
27. Would your knowledge or associations affect your ability to be a totally fair and impartial juror in a criminal case?
28. Do any members of the panel have any family members or friends who work for or have ever worked for any governmental agency?
 - a. Who and what is your relationship?
 - b. What agency?
 - c. Will that affect your ability to be a totally fair and impartial juror in this case?

Some people feel that the government of the United States would not arrest an innocent person in a marijuana case. Other people believe that government agents would absolutely do something like that. What do you think and why?

29. Do you hold any philosophical or religious belief which would make it difficult for you to sit in judgment on another human being?

30. Do you like to watch any law shows [i.e. Court TV, People's Court, The Practice, Judge Judy, Law & Order, etc.]?

31. Have you ever watched the television shows CSI (or CSI Miami, CSI NY, etc.), Forensic Files or any other criminal forensic shows?

32. According to our Constitution, every person accused of a crime has the right to remain silent and not testify if he/she so chooses. Why do you think that our Constitution guarantees American citizens that right?

33. Some people feel that if they were a Defendant in a case such as this one, they would certainly testify and try to prove their innocence. Other people believe that since the Government has to prove its case beyond a reasonable doubt, a citizen should not have to testify. What is your opinion?

34. Have you ever been in a situation in which you deserved the benefit of reasonable doubt, but you were not given that benefit? If so, please tell us about that.

RESPECTFULLY SUBMITTED this the 13th day of March, 2006.

s/Stephen R. Glassroth
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CERTIFICATE OF SERVICE

I hereby certify that on March 13, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Andrew O. Schiff.

Respectfully submitted,
s/Stephen R. Glassroth
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